

1 S.133

2 Introduced by Senator Hooker

3 Referred to Committee on

4 Date:

5 Subject: Guardianship; reopening proceedings

6 Statement of purpose of bill as introduced: This bill proposes to authorize the  
7 Probate Division to reopen a guardianship proceeding to correct or remedy a  
8 manifest injustice.

9 An act relating to authorizing the Probate Division to reopen guardianship  
10 proceedings to correct or remedy manifest injustice

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 14 V.S.A. § 3082 is added to read:

13 § 3082. REOPENING PROCEEDINGS TO CORRECT OR REMEDY

14 MANIFEST INJUSTICE

15 (a) Notwithstanding any other provision of law or rule, the Probate  
16 Division may reopen any guardianship proceeding or any guardianship order  
17 issued under this chapter to correct or remedy a manifest injustice.

18 (b) This section shall apply irrespective of:

19 (1) whether the guardianship at issue has been previously terminated; or

1           (2) compliance with the time limits of Vermont Rule of Probate  
2           Procedure 60(b) or any other provision of law or rule.

3           (c) As used in this section, “manifest injustice” includes any circumstance  
4           in which the court issued a guardianship order that was contrary to State or  
5           federal law.

6           Sec. 2. EFFECTIVE DATE

7           This act shall take effect on passage.